



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 006-05

617 GARDEN STREET

LOT AREA AND PARKING MODIFICATIONS, DEVELOPMENT PLAN APPROVAL, LOT LINE
ADJUSTMENT, AND COMMUNITY PRIORITY SQUARE FOOTAGE

JANUARY 27, 2005

**APPLICATION OF JAN HOCHHAUSER, AGENT, AND ARCHITECT FOR THE SANTA
BARBARA MENTAL HEALTH ASSOCIATION, 617 GARDEN STREET, APNS 031-152-025
AND 031-152-028; C-M COMMERCIAL MANUFACTURING ZONE, GENERAL PLAN
DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL / OFFICES/RESIDENTIAL
(MST2002-00257)**

The proposed project is a mixed-use development, proposed by the Mental Health Association in Santa Barbara County (MHA), containing 25 low income affordable apartment units for downtown workforce housing, 26 very-low income units for MHA clients, a 4,991 square foot MHA office, a 5,262 square foot Fellowship Club for MHA clients, and a 2,822 square foot office/conference facility intended for governmental agencies or non-profit organizations. A total of 110 parking spaces would be provided, including maintenance of 35 spaces for City employees and 6 spaces for the Alano Club. The existing 1,160 square foot office building, four apartment units, and a 5,212 square foot athletic club, and City employee parking lot would be demolished.

The discretionary applications required for this project are:

1. A Modification to provide less than the required number of parking spaces (SBMC § 28.90.100);
2. A Modification for bonus density to allow a total of 51 residential units on a lot in the C- M Zone (SBMC § 28.21.080.7);
3. A Lot Line Adjustment between parcels APN 031-152-025 and APN 031-152-028 (Gov. Code §66412);
4. Development Plan Approval for 6,703 square feet of net new non-residential square footage (SBMC § 28.87.300); and
5. A Recommendation to City Council for a Final Community Priority Designation of 703 square feet from the Community Priority Category for Offices (SBMC § 28.87.300).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Sections 15301 and 15332.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, and 1 person appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, January 21, 2005
2. Site Plans
3. Correspondence received in support of the project:
 - a. Police Chief Cam Sanchez, 215 E. Figueroa Street, Santa Barbara, CA 93101
 - b. Roger M. Lydon, 2633 State Street, S-2, Santa Barbara, CA 93105
 - c. Bodil Jorgensen, 1201 Bel Air Drive, Santa Barbara, CA 93105
 - d. Joyce Carpenter, 706 Chelham Way, Santa Barbara, CA 93108
 - e. Shirley Eichsytaldt, 722 Monte Drive, Santa Barbara, CA
4. Correspondence received with concerns about the project:
 - a. Leon Olson, 225 Cota Street, Santa Barbara, CA

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

A. THE BONUS DENSITY LOT AREA MODIFICATION (SBMC §28.21.080.7)

The modification of the lot area requirement to allow development of 51 affordable units on 39,444 square feet of lot area instead of the required 93,840 square feet is consistent with the purposes and intent of the Zoning Ordinance and is necessary to construct this affordable housing project.

B. PARKING MODIFICATION (SBMC 28.92.026.A.1):

The modification to provide 110 parking spaces instead of the required 152 parking spaces would be consistent with the purposes and intent of the Zoning Ordinance and would not cause an increase in the demand for parking space or loading space in the immediate area because: (1) The project is an affordable MHA and City Housing Authority project which will have restricted vehicle ownership through lease agreements with tenants; (2) the project is located in the downtown area and is within walking and cycling distance of many services and places of employment; and (3) a bus stop is within walking distance from the project site.

C. FINDINGS FOR THE LOT LINE ADJUSTMENT (GOVERNMENT CODE §66412)

With approval of the bonus density and parking modifications, the proposed development at 617 Garden Street complies with all provisions of the Zoning Ordinance and the proposed use conforms with the C-M, Commercial Manufacturing, zone designation. The remainder of the City owned parcel, 627 Garden Street, that is occupied by the Ortega Water Treatment facility and Santa Barbara Recycling Center, would continue to conform to the Zoning Ordinance and the uses would still be allowed

to operate under the designated C-M Zone. Both parcels would also be in conformance with the General Plan and Zoning and Building Ordinances.

D. FOR COMMUNITY PRIORITY SQUARE FOOTAGE DESIGNATION

Floor area for the proposed MHA Offices and Fellowship Club has been requested from the "Community Priority" General Plan category. Pursuant to SBMC §28.87.300(B.) (2.), to be a Community Priority, a project must be designated by City Council as necessary to meet a present or projected need directly related to public health, safety or general welfare.

The applicant provided a statement of need to the City Council identifying a need for the MHA facility. On July 15, 2003, the City Council granted the project a preliminary designation of 4,000 square feet from the Community Priority Category, which has since been increased to 4,703 square feet.

Planning Commission supports the Community Priority designation for the MHA facility because there is a clear need to maintain the quality care services and housing for people with mental illnesses in the City and Tri-County area.

E. FOR THE DEVELOPMENT PLAN (SBMC §28.87.300)

1. The proposed development complies with all provisions of the Zoning Ordinance.

With approval of the bonus density and parking modifications, the proposed development complies with all provisions of the Zoning Ordinance and the proposed use conforms with the C-M, Commercial Manufacturing, zone designation.

2. The proposed development is consistent with the principles of sound community planning.

The project site is located in the Land Use Element's Laguna neighborhood and has a General Plan Designation of Major Public & Institutional/Office/Residential and a Zoning Designation of C-M, Commercial Manufacturing. The Laguna neighborhood is presently developed as a residential area in its eastern and northern portions with single-family dwellings, duplexes, and higher-density multiple units interspersed throughout the neighborhood. The south portion of the Laguna neighborhood consists of residential, mixed residential and commercial uses. In the Laguna neighborhood's western portion, where this project would be located, there are mixed residential and commercial uses that are within walking distance to both the City's Central Core and its industrial area. Pursuant to the City's Land Use Element, Laguna's conversion into duplex and multiple dwellings is appropriate. Housing Element Goals, Policies and Implementation Strategies also encourage bonus density units to promote affordable housing. The proposed project would represent an excellent example of a mixed-use development that includes 51 affordable units for very low and low income individuals. The commercial uses on site serve as a complement to the residential uses because mental health residents

could use the Fellowship Club for food, socialization and to gain any necessary employment skills. Thus, the proposed development would be consistent with the principles of sound community planning.

3. **The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood.**

Because, the property is located at the mid-600 block of Garden Street, public views of the proposed development are mainly from Garden Street. In an effort to make the project even more compatible with the character of the adjacent properties, the architect designed the building fronting Garden Street as a three story building. The Garden Street elevation and massing is articulated along the street to create a pedestrian friendly experience. The landscape design is incorporated in this area to soften the connection to the street. The building incorporates a tower element at the main entry to relate to the City building across the street.

The residential component in the interior of the site is placed on a podium over one level of parking at grade, the second level of parking being below grade. A small portion of the residential section of the building is four stories, with a maximum height of 46 feet, which is well below the C-M zone's building height limitation.

The vision for the proposed development is one of an urban pedestrian-oriented village; a community design that allows interaction amongst all its residents. On site outdoor amenities include large landscaped planters and courtyards, providing circulation and private outdoor space for the apartment residents.

The Planning Commission supports the architecture, including the project's massing, site usage, elevation, and roof break-ups, and solids and voids in the overall massing of the project and finds the development compatible with the neighborhood visions that call for dense mixed-use development.

4. **The proposed development would not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock.**

The proposed project would contribute 51 units to the City and South Coast affordable housing stock and, thus, would result in a positive impact to the region's housing stock.

5. **The proposed development will not have a significant unmitigated adverse impact on the City's water resources.**

The existing development on the site demands 2.74 AFY of water. The proposed project is estimated to demand 10.47 AFY (based on the City's Water Demand Factor and Conservation Study "User's Guide" Document No. 2). Therefore, the change in water use would be approximately 7.73 AFY. The minor increase in water demand associated with the proposed project would not significantly impact the City's water resources. There is adequate water to meet the needs of the proposed development.

6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic.

Transportation Staff has reviewed the project and determined that the project would not result in significant project or cumulative impacts to any impacted intersection.

II. Said approval is subject to the following conditions:

A. **Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the Owner in a written instrument which shall be reviewed as to form and content by the City Attorney:

1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
2. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
3. **Allowed Development.** The development of the Real Property approved by the Planning Commission on January 27, 2005 is limited to 25 low income affordable rental residential units, 26 very-low income rental residential units, a 4,991 square foot MHA office, a 5,262 square foot Fellowship Club for MHA clients, a 2,822 square foot office/conference facility, and the improvements shown on the site and elevation plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
4. **Affordable Unit Rent Restrictions.** For 25 of the rental residential units, the tenant share of rent will not exceed the rent limit specified in the City's Affordable Housing Policies and Procedures (AHP&P) for low income units targeted to eighty percent (80%) of Area Median Income (AMI).

For 26 of the rental residential units (i.e. MHA housing), the tenant share of rent will not exceed the rent limit specified in the City's Affordable Housing Policies and Procedures (AHP&P) for very low income units targeted to fifty percent (50%) of Area Median Income (AMI).

Owner may charge rents higher than the identified affordability targets if Section 8 vouchers are used in accordance with the City's AHP&P, but the tenant share of the rent shall not be higher than the affordability targets stated above. The rent restrictions shall be enforceable by the City for a period of

ninety (90) years, beginning the day the project receives its initial Certificate of Occupancy.

5. **Storm Water Pollution Control Systems Maintenance.** The Owner(s) shall maintain drainage system, storm drain water interceptor and other storm water pollution control devices in accordance with the Operations and Maintenance Procedure Plan approved by the City Land Development Engineer.
 6. **Recyclable Material Use and Collection.** Owner shall encourage residents and commercial tenants to recycle by using recyclable materials and providing sufficient and appropriate receptacles, such as recycling or green waste containers on site. Recyclable material collection and pick-up areas shall be provided on-site.
 7. **Bus Passes.** All commercial entities occupying the subject site shall contact Metropolitan Transit District (MTD) to purchase shuttle bus passes or their equivalent for their employees. These passes shall be provided free of charge to their employees to encourage shuttle bus usage. A copy of the contract with MTD shall be submitted to the Transportation Planning Manager.
- B. **Design Review.** The following are subject to the review and approval of Architectural Board of Review (ABR):
1. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground.
 2. **Trash Enclosure Provision.** A trash enclosure with an area for recycling containers shall be provided on the Real Property and screened from view from surrounding properties and the street. The enclosure shall be located at least five (5) feet from any building unless protected with fire sprinklers.
 3. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler (and irrigation) systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 4. **Tree Protection Measures.** The landscape plan shall incorporate the tree protection measures/guidelines outlined the tree study (dated December 3, 2003) and the tree study memorandum (dated January 27, 2005) prepared by arborist, Randall Mudge, including, but not limited to, expansion of the permeable paving around the preserved redwood tree to the maximum extent feasible.
- C. **Required Prior to Building Permit Issuance.** The following shall be finalized and specified in written form and submitted with the application for a building permit:
1. **Water Rights Assignment.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property. This assignment of rights shall not include a right of surface

entry. Said assignment and any related agreements are subject to the review and approval of the City Attorney and the City Public Works Director. Said agreement shall be recorded in the Office of the County Recorder.

2. **Lot Line Adjustment.** The Owner shall submit an executed Agreement Relating to Lot Line Adjustment, to the Public Works Department, including the legal description of the subject properties prior to and following the lot line adjustment. A licensed surveyor shall prepare legal descriptions and said Agreement shall be recorded in the Office of the County Recorder.
3. **Storm Drain Operation and Maintenance Plan Required.** The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved by the Water Resources Specialist.
4. **Garden and Ortega Street Public Improvements.** The Owner shall submit plans for construction of improvements along the subject property road frontage on Garden Street. As determined by the Public Works Department, the improvements shall include City standard sidewalk, driveway apron modified to meet Title 24 requirements, curbs, gutters, access ramp(s), asphalt concrete, concrete pavement on aggregate base, crack seal to the centerline of the street, underground utilities, drainage system (curb drain outlets, slot/trench drain, drop inlet, detention, erosion protection, etc.) two residential standard street lights to City standard, preserve and/or reset contractor stamp and/or survey monuments, storm drain stenciling, pollution prevention interceptor device, biofilter/swale, drought-tolerant parkway landscaping, and provide adequate positive drainage from site. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of the City Arborist. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.

The Owner shall submit plans for construction of improvements along the subject property frontage on Ortega Street. As determined by the Public Works Department, the improvements shall include City standard curb cut, driveway apron and sidewalk, if determined to be necessary to provide access to Ortega Well Treatment Plan for maintenance purposes.
5. **Engineer's Estimate.** The Owner shall submit an executed Agreement for Land Development Improvements (Not a Subdivision), including an Engineer's Estimate, signed and stamped by a registered civil engineer, and the required security for construction of improvements.
6. **Hydrology Calculations.** Submit to the Land Development Engineer final hydrology calculations justifying that the proposed and existing drainage conveyance system adequately conveys a 25-year storm event.
7. **Storm Water Quality Control.** The Owner shall apply storm water quality

control guidelines to the project per the Public Works Department Construction Project Best Management Practices.

8. **Archaeological Monitoring Contract.** Owner shall contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase 1 Archaeological Resources Report prepared for this site by Stone Archaeological Consulting,. The contract shall be subject to the review and approval of the Environmental Analyst. The archaeologist's monitoring contract shall include the following provisions:

If cultural resources are encountered or suspected, work shall be halted or redirected immediately and the City Environmental Analyst shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

9. **Supplemental Phase 1 Archaeological Survey.** A supplemental Phase 1 archaeological survey by the contracted archaeologist shall be completed after the existing structures and pavement within the proposed project area are removed. The survey shall be submitted for review and approval by the City's Environmental Analyst prior to the continuation of ground disturbing activities. If potentially intact prehistoric or historic cultural remains are identified during the supplemental Phase 1 survey, an Extended Phase 1 investigation (shovel test or backhoe trenching) shall be performed to identify the integrity and spatial extent of the cultural deposit.

10. **Controlled Grading.** Controlled grading, under the observation of the contracted archaeologist, shall be carried out after structural demolition and prior to overall project site grading. If potentially intact prehistoric or historic cultural remains are identified during the controlled grading, the grading shall be suspended and an Extended Phase 1 investigation (shovel test pits or backhoe trenching) shall be performed to identify the integrity and spatial extent of the cultural deposit. If the remains appear to be potentially significant, a Phase 2 significance assessment shall be performed, pursuant to the City's Master Environmental Assessment criteria, to determine any further treatments.
11. **Noise Mitigation.** The project shall incorporate the construction recommendations from the Acoustical Analysis (dated February 25, 2004) prepared by Dudek and Associates and as recommended by Staff. To mitigate the exterior noise impact at the site, a minimum five foot high balcony barrier (minimum density of 3.5 pounds and made of masonry material, plexiglass, tempered glass or combination of these materials) at the second, third and fourth floor residential balconies along the north property line (i.e. next to the Ortega Water Treatment Plant and Santa Barbara Recycling Center).

To comply with the City and State's Interior noise standard, an interior noise analysis shall be required for the residential units adjacent to the north property line. The interior acoustical analysis will be required prior to issuance of building permits to ensure that the interior DNL will not exceed 45dB. To mitigate the noise impact would most likely require an air conditioning and/or mechanical ventilation system.

12. **Affordability Controls.** Owner shall sign and cause to be recorded against the Property an affordability control covenant, in a form approved by the City Attorney, which requires compliance with the requirements for low income rental units as specified in the City's Affordable Housing Policies and Procedures, with rents targeted as follows:
 - a. For 25 of the units, the target income percentage shall be eighty percent (80%).
 - b. For the remaining 26 units, the target income percentage shall be fifty percent (50%). For these units, HUD housing choice vouchers may be used, and the rents shall not exceed the HUD exception rents, and the tenant's share of the rent shall not exceed rents based on a target income percentage of fifty percent (50%)

The covenant shall require that the Property be owned by a not-for-profit public benefit corporation, and shall include an assignment of rents whereby the owner assigns to the City all rents collected in violation of the covenant. The covenant shall also require the owner to make periodic reports to the City to verify compliance with the covenant.

13. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses and residents within 450 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice shall be reviewed and approved by the City Planning Division prior to being distributed.
 14. **Pre-Construction Conference.** Prior to commencement of construction, a construction conference shall be scheduled by the General Contractor. The conference shall include representatives from the Public Works Department Engineering and Transportation Divisions, Building Division, Planning Division, the Property Owner, Architect, Contractor and Subcontractor(s).
 15. **Easement with Alano Club.** MHA shall make a good faith effort to work with Alano Club to remove the joint access easement to Garden Street and provide additional parking for Alano Club, such that Alano Club can pursue recommissioning the second story of its building. Written correspondence to the Community Development Director shall be provided that outlines how the Alano Club and MHA have resolved said issues prior to issuance of the building permit.
- D. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building & Safety Division with applications for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:
1. **Best Management Practices.** New residential, commercial, industrial, and transportation development projects, including redevelopment projects, shall address water quality through the use of best management practices (BMPs) as determined by the City. BMPs shall be applied in the following order of priority: site design, source control, and treatment control. Furthermore, projects shall seek to reduce post-development runoff volumes from pre-development volumes through such measures as infiltration, evapo-transpiration, and storage/reuse.
 2. **Signage for Fellowship Center.** Add appropriate directional signage on the building to indicate where the Fellowship Center is located.
 3. **Signage on Alley.** Provide signs acceptable to Transportation Operations alerting drivers in the alley from Cota Street to the presence of pedestrians.
 4. **Bus Stop Improvements.** Provide a bus shelter at the existing stop at the intersection of Cota and Garden Streets. Benches and a trash receptacle shall

also be incorporated into the design. The bus shelter design and placement shall be coordinated with MTD and approved by Transportation Planning Staff.

5. **Bicycle Parking.** Revise site and floor plans to clearly call out bicycle parking areas within the parking garage, in the Fellowship Center courtyard area, and at the commercial office entrance.
6. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out and containers shall be provided on site for that purpose in order to minimize construction-generated waste conveyed to the landfill.
7. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.
8. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Operations Manager.
9. **Construction Hours.** Construction is prohibited before 8:00 a.m.* and after 5:00 p.m. Monday through Friday and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:

New Year's Day	January 1 st **
Martin Luther King's Birthday	3 rd Monday in January*
Presidents' Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th **
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25 th **

* Non-noise generating construction activities can occur between the hours of 7:00 a.m. and 8:00 a.m., Monday through Friday. Non-noise generating activities are considered those wholly conducted within the interior of an enclosed building and which are not audible from the exterior of the building, and exterior hand-digging for landscape installation, and are subject to the following:

- All windows and doors must be closed in the buildings where the work is occurring.
- Notices must be distributed to property owners and residents within 450 of the project site at least 48 hours prior to the commencement of the operation, describing the change to the construction hours, and identifying a contact person to handle questions or complaints about construction activities.

- Work occurring between 7:00 and 8:00 a.m. may consist of the following: 1) drywall installation (excluding the use of nail guns); 2) tile laying (excluding the use of tile saws outside); 3) painting (excluding the use of compressors outside); 4) electrical work; 5) plumbing work; 6) finish carpentry; 7) carpet laying; 8) landscape work (not involving heavy equipment), and; 9) miscellaneous hand labor.
- The following activities are prohibited between 7:00 a.m. and 8:00 a.m.: 1) use of radios and boom boxes; 2) operation of heavy equipment; 3) use of power tools and generators outside; 4) hammering, and; 5) loading and unloading of construction materials, debris, or heavy equipment.

****When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.**

If determined to be necessary due to construction techniques, night work or longer construction hours will be allowed, subject to review and approval by the Community Development Director or designee and prior notification of neighbors.

7. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.
 - b. On-site or off-site storage shall be provided for construction materials and equipment.
 - c. Storage of construction materials within the public right-of-way is prohibited.
 - d. (Free) off-site parking for construction workers and off-site storage for materials and equipment shall be provided (during phases of the construction when it cannot be accommodated on-site). The location of this off-site area shall be subject to the approval of the Community Development Director.
8. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the

late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

9. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
10. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. Note that paving shall not begin until the supplemental archaeological survey is completed without discovering any archaeological resources or proper treatment of any discoveries has been completed.
11. **Construction Contact Sign.** Immediately after building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number, work hours and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
10. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
11. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

_____		_____
Property Owner		Date

Contractor	Date	License No.

Architect	Date	License No.

Engineer	Date	License No.

- E. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval

of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified Arborist.

2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans.
3. **Cross Connection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
4. **Affordability Provisions Approval.** Owner shall submit a written plan detailing the process to be used to select qualified low income residents and to verify their income eligibility. The plan shall specify any preferences in the selection of applicants, such as preferences to downtown workers, to residents who currently live or work on the South Coast, or to residents who do not own an automobile. Owner shall obtain the written approval of such plan from the City's Housing and Redevelopment Manager.
5. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Environmental Analyst within 180 days of completion of the monitoring and prior to the issuance of the Certificate of Occupancy (Final Inspection), whichever is earlier.
6. **Noise Analysis.** A noise specialist retained by the owner at the owner's expense shall make an on-site investigation and certify noise levels with a noise meter to assure that interior and exterior living area noise level are within acceptable levels as specified in the Noise Element. In the event that the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to review and approval of the Community Development Department and Historic Landmarks Commission.
7. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" boards and submitted to the Planning Division.
8. **Parking Management Agreement.** Provide a parking management agreement that is acceptable to the Community Development and Public Works Directors that maximizes use of parking spaces. The agreement shall address the management of the City's parking spaces within the parking garage. Residential parking spaces shall not be assigned to individual units.

NOTICE OF APPROVAL TIME LIMITS:


The development plan approved, per SBMC Section 28.87.350, shall expire four (4) years from the date of approval unless:

1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
2. A time extension is granted by the Planning Commission for one (1) year prior to the expiration date of the approval, only if it is found that there is due diligence to implement and complete the proposed project.

This motion was passed and adopted on the 27th day of January 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 0 ABSTAIN: 0 ABSENT: 1 (Jacobs)

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.


Liz N. Ruiz, Planning Commission Secretary

6/2/05
Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

